

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit:

Bill Frist, Orrin G. Hatch, John Ensign, Sam Brownback, Jim Inhofe, Michael B. Enzi, Wayne Allard, Michael Crapo, Susan M. Collins, Robert F. Bennett, Pete V. Domenici, Conrad R. Burns, Kay Bailey Hutchison, John E. Sununu, Norm Coleman, Charles E. Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—55

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (FL)
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Breaux	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Kyl	Talent
Collins	Lott	Thomas
Cornyn	Lugar	Thomas
Craig	McCain	Voivovich
Crapo	McConnell	Warner
DeWine	Miller	

NAYS—44

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Bayh	Edwards	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Pryor
Cantwell	Hollings	Reed
Carper	Inouye	Reid
Clinton	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kohl	Stabenow
Dayton	Landrieu	Wyden
Dodd	Lautenberg	

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, is the pending business the Durbin amendment to the Stevens amendment?

The PRESIDING OFFICER. The Senator is correct, that is the pending question.

Mr. STEVENS. Madam President, I am pleased to yield to the Senator from Illinois. I believe we have reached an agreement on this amendment, and I would be glad to have him modify his amendment if he wishes to do so.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 437 TO AMENDMENT NO. 436, WITHDRAWN

Mr. DURBIN. Madam President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. DURBIN. I ask unanimous consent to withdraw my second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

AMENDMENT NO. 436, AS MODIFIED

Mr. DURBIN. Madam President, I thank the Senator from Alaska. I particularly thank the Senator from Virginia, Mr. WARNER, who has acted as good counsel to both the Senator from Alaska and the Senator from Illinois.

Let me tell my colleagues what this amendment does because I think the Senate can be proud of the outcome. What we are going to do is to increase combat pay for the men and women in uniform by 50 percent from \$150 a month to \$225 a month, and we are going to increase the family separation allowance by 150 percent from \$100 month to \$250 a month. Our action in this fiscal year will be retroactive to October 1. So it covers the entire fiscal year. It is going to mean a helping hand through a difficult time for the men and women in uniform, and their families.

As I have said, and I am sure the Senator from Alaska will agree, there is no amount of money that we can give

these men and women, nor their families, to compensate them for what they are giving to our country, but this effort on the Senate floor, in a bipartisan fashion, shows we are dedicated to work together to express our gratitude not just in speeches but by giving a helping hand to these families who are struggling.

I send a modification of the amendment to the desk on behalf of myself, Senators STEVENS, INOUE, WARNER, CHAMBLISS, MIKULSKI, DOLE, DASCHLE, LANDRIEU, CLINTON, and PRYOR.

Mr. STEVENS. Madam President, I now ask that this be deemed the original amendment before the Senate, that it be the Stevens-Durbin amendment, plus any other Senators who wish to add their name to it.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

Mr. STEVENS. I ask that the Senate cast a unanimous vote in support of this raise of combat pay and family allowances for our men and women who are in harm's way.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 436, as modified.

The amendment (No. 436), as modified, was agreed to, as follows:

In the amendment strike after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code is amended by striking "S150" and inserting "S225".

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States code, is amended by striking "S100" and inserting "S250".

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on Oct. 1, 2002 and shall apply with respect to months beginning on or after that date.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I would like to make sure we show this was a unanimous vote. Beyond that, I have a letter I received from the Boeing Company which is relevant to what we have just done, because some of the people who are covered by this amendment are men and women of the National Guard and Reserve. The Boeing Company has notified me it has 2,000 valued employees who serve our Nation in the military as members of the National Guard and Reserve. They state:

Over the last 3 years, some 950 men and women have proudly stepped forward for differing periods of military duty in support of the September 11-related operation. To date,